

REMARKS

Reconsideration of the above-identified patent application is requested in view of the remarks that follow.

In the April 20, 2004, Office Action in this application, the Examiner rejected Applicant's claims 1-23 as unpatentable in view of the prior art. Specifically, claims 1-7 and 19-21 were rejected under 35 U.S.C. §102(b) as being anticipated by the Acheson et al. '935 patent; claims 8-10 and 22-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Acheson et al. '935 patent in view of the Muenger et al. '259 patent, and claims 11-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Acheson et al. '935 patent.

For the reasons set forth below, Applicant traverses these rejections.

The Acheson et al. '935 patent discloses techniques for generating power based upon the in-situ heating of oil shale. In contrast, as recited in Applicant's original independent method claim 1 and in original independent system claim 19, Applicant's invention is directed to the removal of oil shale from an oil shale deposit, combustion of the removed oil shale in a burn container, and utilization of the heat generated in the burn container to generate electricity on the site of the oil shale deposit.

More specifically, original independent method claim 1, which stands rejected as anticipated by the Acheson et al. reference, recites a step of "removing oil shale from an oil shale deposit in bulk form." Original independent system claim 19 recites as an element "a burn container that receives oil shale from the oil shale deposit." Upon careful review of the Acheson et al. reference, Applicant submits that the reference neither teaches nor suggests combustion of oil shale that has been removed from an oil shale deposit, but rather discloses only the in-situ combustion of oil shale.

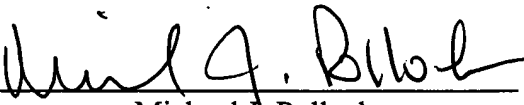
Upon consideration of the Muenger et al. reference, Applicant submits that there is nothing disclosed in this reference that would motivate a person skilled in the art to modify the Acheson et al. in-situ process to arrive at the oil shale removal based technique of the present invention.

For the reason set forth above, Applicant submits that independent claims 1 and 19 as originally filed, and all claims depending therefrom, patentably distinguish over the prior art. Therefore, it is requested that this application be passed to allowance.

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: August 17, 2004

By: 
Michael J. Pollock
Reg. No. 29,098

Attorneys for Applicant(s)